

REMARKS

Claims 1-25 and 36-38 are rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement.

Claims 1-38 have been cancelled. As such, it is believed that this rejection is now moot.

Claims 1-10, 13-14, 17-25, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda (U.S. 2004/0123059) in view of Moro (U.S. 2004/0107316) and Murray et al. (U.S. 6,185,666).

Claims 11-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda (U.S. 2004/0123059) in view of Moro (U.S. 2004/0107316) and Murray et al. (U.S. 6,185,666), and further in view of Colligan et al. (U.S. 6,519,762).

Claims 1-38 have been cancelled and new claims 39-62 have been added. While the new claims are different than the old claims, the Suda, Moro, and Murray references will be addressed.

Suda teaches a memory card having multiple storage areas, and a mechanical switch to select between the storage areas. Suda, however, begins with the assumption that there are a number of distinct multiple storage areas and that each can only be accessed individually, and thus is only needing to decide which of the multiple storage areas to use. The presently claimed invention, however, describes first determining whether the non-volatile data storage utilizes a first file system or a second file system, and then “when the non-volatile data storage utilizes the first file system, operating the memory card in accordance with the first file system by: dividing the address space of the non-volatile data storage into a plurality of volumes; formatting each of the plurality of volumes as a separate volume utilizing the first file system...” as taught in claim 39.

Suda fails to make a determination of what type of file system is used on the memory card, and thus does not teach the “determining” step. Suda also fails to divide an address space into a plurality of volumes. Rather, Suda begins with multiple storage areas and simply needs to choose among them. There is no step of “dividing” disclosed anywhere in Suda. Lastly, Suda does not format the plurality of volumes as separate volumes utilizing the first file system after a determination is made to use the first file system. Rather, Suda’s multiple volumes appear to be preformatted with a file system, and Suda simply doesn’t care what file system that is – it always uses the storage areas as separate volumes.

Moro teaches an authentication system for memory cards that is compatible with conventional memory cards as well as a new type of card, a “capacity switching-type memory

card.” This new type of card contains a register that reports the storage capacity of the card. The reason this type of card is new is that the register itself contains more bit locations, allowing it to report a memory card size greater than older memory cards, whose registers only permitted it to report memory card sizes of a certain size.

First, it should be noted that this register has nothing to do with the file system actually used on the card. It only involves the reporting of the overall capacity of the card, and not the file system used by the card. As such, as with Suda, Moro fails to teach or suggest “determining whether the non-volatile data storage utilizes a first file system or a second file system” as well as performing any step based on this determination. Additionally, Moro only describes combining partitions if it is determined that the memory card is of the new type. There is no disclosure of dividing a non-volatile data storage into a plurality of volumes. Indeed, there are only two choices in Moro: either the card is the new type or the old type. If it’s the new type, multiple partitions are combined into a single partition. If it’s the old type, the first partition is used and the other partitions are not. There simply is no division performed. Lastly, Moro does not format each of a plurality of volume as separate volumes utilizing the first file system after a determination is made to use the first file system. Rather, Moro’s volumes appear to be preformatted with a file system, and Moro’s system does not care what that file system is. Additionally, Moro only has two options: either all the storage areas are used as a single volume, or just one of the storage areas is used as a single volume. Thus, even if Moro were somehow read to teach formatting, it would only teach formatting a single volume, not multiple volumes as separate volumes.

Murray discloses merging computer partitions and mechanisms for doing so. However, like with Suda and Moro, there is no determination of what type of file system is used, nor are there any steps undertaken in response to such a determination. Additionally, Murray only merges computer partitions, it fails to teach or suggest dividing them. Murray does perform formatting, specifically the formatting of a single large volume encompassing two previously defined smaller volumes. However, this formatting does not involve the formatting of each of a plurality of volumes as a separate volume, nor is it done in response to a determination of what type of file system the memory card utilizes.

For the above reasons, Applicant respectfully submits that claim 39 is in condition for allowance.

As to independent claim 45, 51, and 57, these claims contain elements similar to that as described above with respect to claim 39. As such, Applicant respectfully submits that these

claims are in condition for allowance for the same reasons as described above with respect to claim 39.

Dependent claims 40-44, 46-50, 52-56, and 59-62 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claims 44, 56, and 62 state "wherein the determining includes accessing a portion of the non-volatile data storage stating which file system is utilized" or the like. None of the prior art references teach that there is a portion of the non-volatile data storage that states which file system is utilized. For at least these reasons, claims 40-44, 46-50, 52-56, and 59-62 are not anticipated or made obvious by the prior art outlined in the Office Action.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicant hereby petitions for a one-month extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-4481 (Order No. SDK1P017).

Respectfully submitted,
BEYER LAW GROUP LLP

/Marc S. Hanish/
Marc S. Hanish
Registration No. 42,626

P.O. Box 1687
Cupertino, CA 95015-1687
408-255-8001